IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 411 (SS) of 2004

Bachi Ram,
S / o Sri Krishna,
Village & Post – Junayal,
District – Bageshwar. **.....Petitioner.**

Versus

1. State of Uttaranchal through Secretary, Public Works Department, Dehradun.
2. Executive Engineer, PWD, Bageshwr.
3. State of Uttar Pradesh, through Secretary, Public Works Department, Lucknow

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Dines Chauhan, learned counsel for the petitioner and learned Standing Counsel for State of Uttaranchal on behalf of respondents no. 1 and 2 and learned Standing Counsel for State of U.P. on behalf of respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. issue a writ, order or direction in the nature of Mandamus to direct the respondents to pay pension with arrears of pension with interest of the petitioner.

II. issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

III. Award the cost of petition in favour of the petitioner.

The submission of the learned counsel for the petitioner is that petitioner was appointed as Beldar in the Public Works Department on daily wage basis on 01.11.1979. Vide

order dated 20.05.1985, petitioner was appointed in regular establishment as Beldar and he was retired after attaining the age of superannuation on 31.08.2000. More than six years have passed but petitioner has not being paid retirel benefits. Consequently, he filed present writ petition for a direction to the respondents to grant him pensionary benefit.

State of Uttaranchal has filed counter affidavit wherein it is admitted that petitioner was appointed on 01.11.1979 on daily wage basis. However, the fact that petitioner was appointed in regular establishment with effect from 20.05.1985 has been denied. Respondents have submitted in the counter affidavit that petitioner was appointed with effect from 20.05.1985 in work charge establishment and retired on 31.08.2000 after attaining the age of superannuation.

Neither petitioner has denied that he was working under work charge establishment nor could show any provision that work charge employees are entitled to get pensionary benefit.

Since petitioner was never appointed in regular establishment, as such, he is not entitled to get pensionary benefit.

For the reasons recorded above, writ petition devoid of merit, as such, is dismissed. Interim relief application no. nil of 2004 is rejected accordingly. No order as costs.

(M.M. Ghildiyal, J)

December 15, 2006
SKSharma